

## REMARKS

In accordance with the foregoing, claims 3-6 are canceled, claims 1, 2, 11 and 12 are amended, and remarks are provided.

### A. Rejection Under 35 U.S.C. Section 112

In regard to the Section 112 rejection, independent claims 1, 11 and 12 have been amended to clarify that the "light emitter" generates a light indicating occurrence of the second event, and that the "light transmitting member" (1) covers both the light sensor and the light emitter, (2) allows external light to pass through the member to the light sensor, and (3) allows light generated by the light emitter to pass through the member to the exterior.

It is believed that the claims now fully comply with 35 U.S.C. Section 112.

### B. Prior Art Discussion

The Examiner's clarification of the passage in Atkinson et al. that was being relied upon is appreciated.

Even if Atkinson et al. were to show a backlit keypad, a backlit display and a light detector, this reference fails at least to teach the use of the light emitter, arrangement of the light emitter and light sensor, and the window, as recited in the amended claims herein. Atkinson et al. does not teach any relationship between a light emitter, such as a light to indicate to a user that a call is coming in, and the light sensor, both of which share a window that allows the respective light generated by the emitter/received by the sensor to pass therethrough, which saves costs and simplifies structure, as noted on, e.g., page 5, lines 1-6.

In the previous Office Action, page 6, line 28 through page 7, line 7 of Atkinson et al. are cited for showing the recited light emitter. This portion of the reference describes only the light detector 21 receiving ambient light; there is no discussion of a light emitter that generates light that passes through the window to outside the portable terminal. While the Examiner may be broadly interpreting the light emitter to be the first and/or second light, claims 1, 11 and 12 do not recite that the light emitter is the first and/or second light.

Without a light emitter being taught by Atkinson et al., there can be no proximity of same to the light sensor, as recited herein. Further, without both a light emitter as recited and a light sensor, there can be no window that covers both and allows the respective light generated by/used by these respective members to pass through.

In this last regard, the previous Action relies upon page 2, lines 8-26 and page 10, lines 7-38 of the reference for teaching the light sensor and the light emitter arranged in proximity to

each other. Page 2, lines 18-26, however, describes a benefit of positioning the photosensor under the border area of the display where it receives not only ambient light but also some scattered light from a diffuser. This portion of the reference relates to a light for backlighting and a light sensor being arranged somewhat near each other. There is no mention of a light emitter, as claimed. Page 10, lines 7-28 also describes the benefits of arranging a photosensor 91 near backlighting. Light from LEDs 15 enters a diffuser 81. LEDs 15 are for backlighting, and do not correspond with the claimed light emitter.

Further, it is respectfully submitted that the secondary reference, Ishigaki, fails to compensate for the incomplete teaching of Atkinson et al. noted above. Ishigaki merely turns on a backlight if a valid key is operated.

C. Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Further, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Finally, if there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 5/25/05

By:   
William F. Herbert  
Registration No. 31,024

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Fig. 5. This sheet replaces the original sheet including Fig. 5.

In Figure 5, the reference item "(b1)" has been added to correspond to the written description at page 12, line 8.

Attachment: Replacement Sheet and Annotated Sheet Showing Change

5/5

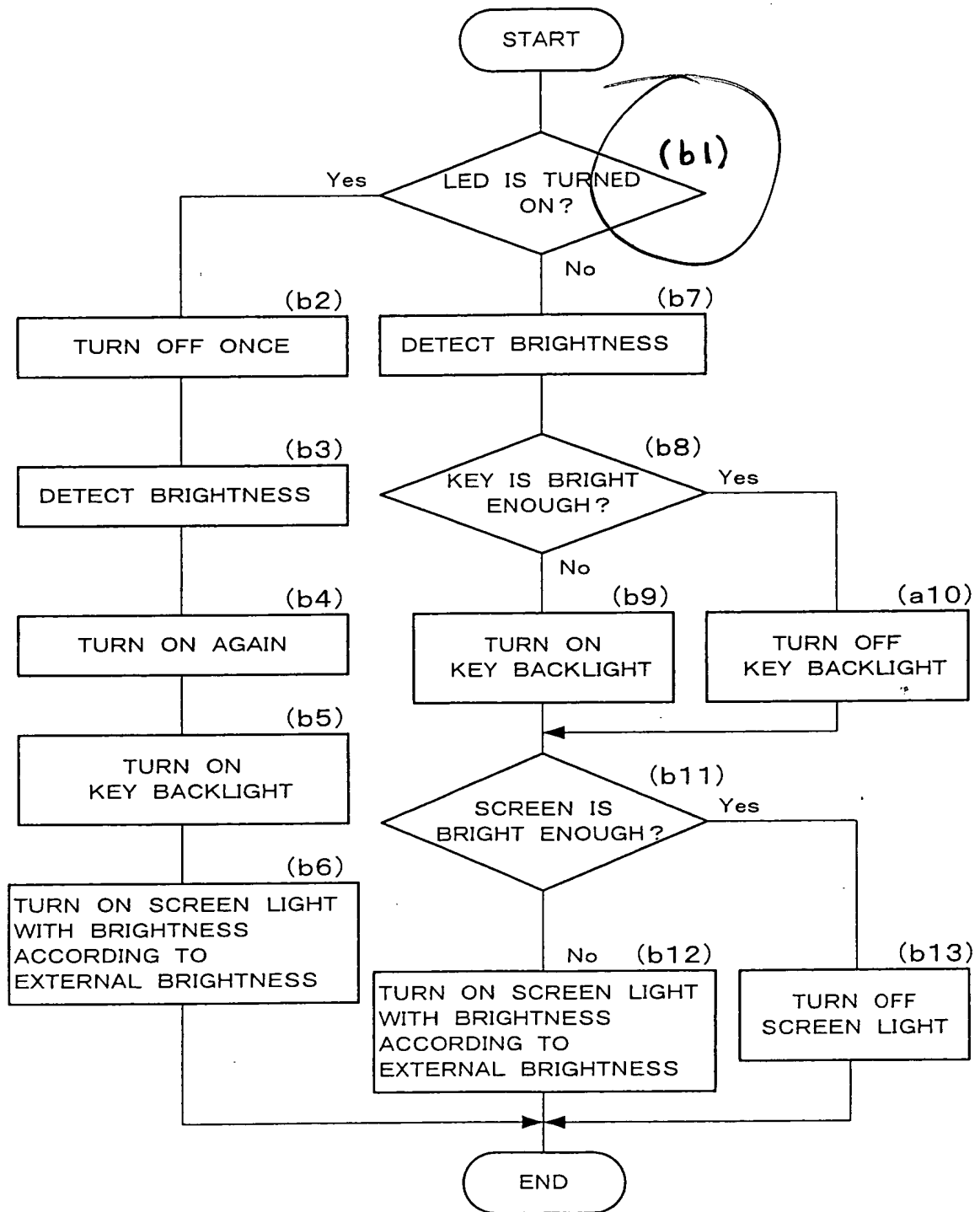


Fig. 5